



MBI-0054

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Jiang, et al.
SERIAL NUMBER: 10/666,642
FILING DATE: September 18, 2003
TITLE: POLYNUCLEOTIDES AND POLYPEPTIDES IN PLANTS
ATTY DOCKET NO.: MBI-0054
EXAMINER: Not Yet Assigned
GROUP ART UNIT: 1775

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. §1.52(e)

SIR:

Pursuant to the provisions of 37 C.F.R. §§1.821 (c) and (e) and 37 C.F.R. §1.52 of the Rules of Practice in Patent Cases, enclosed herewith are two (2) Compact Discs (labeled "Copy 1 Replacement 03/11/2004" and "Copy 2 Replacement 03/11/2004", respectively), each containing the following two files: 1) "MBI0054.ST25.txt" (4,193 kilobytes in size) comprising the Sequence Listing in computer readable form, and 2) "Text Copy of Table 7.txt" (392 kilobytes in size) comprising a text only copy of Table 7.

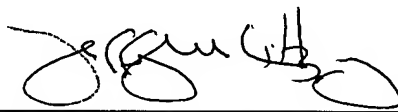
The content of "Copy 1 Replacement 03/11/2004" and "Copy 2 Replacement 03/11/2004" is identical. Applicants state that the copy of the Sequence Listing in computer readable form contained on "Copy 1 Replacement 03/11/2004" and "Copy 2 Replacement 03/11/2004" is identical to the originally submitted Sequence Listing as

filed on September 18, 2003. The second file on the replacement CDs ("Text Copy of Table 7.txt") has been changed to conform with the rules pertaining to submissions of electronic documents. More specifically, this file was originally submitted as a Microsoft Word document ("Table 7.doc"). After receiving the Notice to File Missing Parts, Applicants opened the originally submitted file ("Table 7.doc"), saved this file as a text only file ("Text Copy of Table 7.txt"), and subsequently copied on to "Copy 1 Replacement 03/11/2004" and "Copy 2 Replacement 03/11/2004" which is submitted herewith. Accordingly, no new matter has been added by the substitute CD-ROMs.

The information recorded in computer readable form on "Replacement Copy 1 03/11/2004" and "Replacement Copy 2 03/11/2004" is incorporated by reference in its entirety in the instant application.

Respectfully submitted,

Dated: 16 March 2004

A handwritten signature in black ink, appearing to read 'Jeffrey M. Libby', is written over a horizontal line.

Jeffrey M. Libby, Ph.D.
Reg. No. 48,251

Mendel Biotechnology, Inc.
21375 Cabot Blvd.
Hayward, California 94545
Phone: (510) 259-6138
Fax: (510) 264-0254



DECLARATION FOR UTILITY PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

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60/411,837
60/434,166
60/465,809

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Full name of first coinventor: **CAI-ZHONG JIANG**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: Fremont, California

Post Office Address: 34495 Heathrow Terrace, Fremont, California 94555

Full name of second joint coinventor: **JACQUELINE E. HEARD**

Inventor's signature: _____

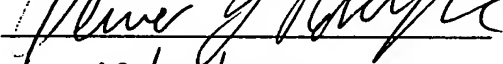
Date: _____

Citizenship: United States of America

Residence: Stonington, Connecticut

Post Office Address: 21 Whittaker Drive, Stonington, CT 06378

Full name of third coinventor: **OLIVER RATCLIFFE**

Inventor's signature:  _____

Date: 12/2/03

Citizenship: United Kingdom

Residence: Oakland, California

Post Office Address: 814 East 21st Street, Oakland, California 94606

Full name of fourth coinventor: **ROBERT A. CREELMAN**

Inventor's signature: 

Date: Dec 2, 2003

Citizenship: United States of America

Residence: Castro Valley, California

Post Office Address: 2801 Jennifer Drive, Castro Valley, California 94546

Full name of fifth coinventor: **LUC J. ADAM**

Inventor's signature: 

Date: 12/2/03

Citizenship: Canada

Residence: Hayward, California

Post Office Address: 25800 Industrial Blvd., Apt. L403, Hayward, California 94545

Full name of sixth coinventor: **T. LYNNE REUBER**

Inventor's signature: 

Date: 12/2/03

Citizenship: United States of America

Residence: San Mateo, California

Post Office Address: 1115 S. Grant Street, San Mateo, California 94402

Full name of seventh coinventor: **JOSE LUIS RIECHMANN**

Inventor's signature: _____

Date: _____

Citizenship: Spain

Residence: Pasadena, California

Post Office Address: 518 S. El Molino Avenue #308, Pasadena, California 91101

Full name of eighth joint coinventor: **VOLKER HAAKE**

Inventor's signature: _____

Date: _____

Citizenship: Germany

Residence: Berlin, Germany

Post Office Address: Bruchsal Str. 5, 10715 Berlin, Germany

Full name of ninth joint coinventor: **ARNOLD N. DuBELL III**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: San Leandro, California

Post Office Address: 14857 Wake Avenue, San Leandro, California 94578

Full name of tenth joint coinventor: **JAMES S. KEDDIE**

Inventor's signature: _____

Date: _____

Citizenship: United Kingdom

Residence: San Mateo, California

Post Office Address: 20 - 14th Avenue, San Mateo, California 94402

Full name of eleventh joint coinventor: **BRADLEY K. SHERMAN**

Inventor's signature:  _____

Date: 2 DEC 03

Citizenship: United States of America

Residence: Berkeley, California

Post Office Address: 1039 Overlook Road, Berkeley, California 94708



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Date: _____

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Full name of seventh coinventor: **JOSE LUIS RIECHMANN**

Inventor's signature: _____

Date: _____

Citizenship: Spain

Residence: Pasadena, California

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Inventor's signature: V. Haake

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Full name of fifth coinventor: **LUC J. ADAM**

Inventor's signature: _____

Date: _____

Citizenship: Canada

Residence: Hayward, California

Post Office Address: 25800 Industrial Blvd., Apt. L403, Hayward, California 94545

Full name of sixth coinventor: **T. LYNNE REUBER**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: San Mateo, California

Post Office Address: 1115 S. Grant Street, San Mateo, California 94402

Full name of seventh coinventor: **JOSE LUIS RIECHMANN**

Inventor's signature: _____

Date: _____

Citizenship: Spain

Residence: Pasadena, California

Post Office Address: 518 S. El Molino Avenue #308, Pasadena, California 91101

Full name of eighth joint coinventor: **VOLKER HAAKE**

Inventor's signature: _____

Date: _____

Citizenship: Germany

Residence: Berlin, Germany

Post Office Address: Bruchsaler Str. 5, 10715 Berlin, Germany

Full name of ninth joint coinventor: **ARNOLD N. DuBELL III**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: San Leandro, California

Post Office Address: 14857 Wake Avenue, San Leandro, California 94578

Full name of tenth joint coinventor: **JAMES S. KEDDIE**

Inventor's signature: _____

Date: _____

Citizenship: United Kingdom

Residence: San Mateo, California

Post Office Address: 20 – 14th Avenue, San Mateo, California 94402

Full name of eleventh joint coinventor: **BRADLEY K. SHERMAN**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: Berkeley, California

Post Office Address: 1039 Overlook Road, Berkeley, California 94708



DECLARATION FOR UTILITY PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought on the invention entitled:

POLYNUCLEOTIDES AND POLYPEPTIDES IN PLANTS

the specification of which is ____ attached hereto;

OR

which was filed on September 18, 2003 and accorded Serial No. 10/666,642.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98.

I hereby claim foreign priority benefits under Title 35 United States Code, § 119(a)-(d) or 365(a)-(b) of any foreign applications for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

No claim to foreign priority benefits nor foreign applications.

I hereby claim the benefit of priority under Title 35 United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>Provisional Serial No.:</u>	<u>Filing Date:</u>
60/411,837	September 18, 2002
60/434,166	December 17, 2002
60/465,809	April 24, 2003

I hereby claim the benefit under Title 35 United States Code, § 120 of any United States applications listed below and, insofar as this is a continuation-in-part application filed under the conditions set forth in 35 United States Code, § 120, which discloses and claims subject matter in addition to the prior copending application(s) listed below, I acknowledge the duty to disclose to the

United States Patent Office all information known to be material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.:

Filing Date:

N/A

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first coinventor: **CAI-ZHONG JIANG**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: Fremont, California

Post Office Address: 34495 Heathrow Terrace, Fremont, California 94555

Full name of second joint coinventor: **JACQUELINE E. HEARD**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: Stonington, Connecticut

Post Office Address: 21 Whittaker Drive, Stonington, CT 06378

Full name of third coinventor: **OLIVER RATCLIFFE**

Inventor's signature: _____

Date: _____

Citizenship: United Kingdom

Residence: Oakland, California

Post Office Address: 814 East 21st Street, Oakland, California 94606

Full name of fourth coinventor: **ROBERT A. CREELMAN**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: Castro Valley, California

Post Office Address: 2801 Jennifer Drive, Castro Valley, California 94546

Full name of fifth coinventor: **LUC J. ADAM**

Inventor's signature: _____

Date: _____

Citizenship: Canada

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Full name of seventh coinventor: **JOSE LUIS RIECHMANN**

Inventor's signature: _____

Date: _____

Citizenship: Spain

Residence: Pasadena, California

Post Office Address: 518 S. El Molino Avenue #308, Pasadena, California 91101

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Inventor's signature: _____

Date: _____

Citizenship: Germany

Residence: Berlin, Germany

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Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: San Leandro, California

Post Office Address: 14857 Wake Avenue, San Leandro, California 94578

Full name of tenth joint coinventor: **JAMES S. KEDDIE**

Inventor's signature:  _____

Date: Dec 5, 2003 _____

Citizenship: United Kingdom

Residence: San Mateo, California

Post Office Address: 20 - 14th Avenue, San Mateo, California 94402

Full name of eleventh joint coinventor: **BRADLEY K. SHERMAN**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: Berkeley, California

Post Office Address: 1039 Overlook Road, Berkeley, California 94708



DECLARATION FOR UTILITY PATENT APPLICATION

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the specification of which is ____ attached hereto;

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Application No.:

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Inventor's signature: _____

Date: _____

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Post Office Address: 34495 Heathrow Terrace, Fremont, California 94555

Full name of second joint coinventor: **JACQUELINE E. HEARD**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: Stonington, Connecticut

Post Office Address: 21 Whittaker Drive, Stonington, CT 06378

Full name of third coinventor: **OLIVER RATCLIFFE**

Inventor's signature: _____

Date: _____

Citizenship: United Kingdom

Residence: Oakland, California

Post Office Address: 814 East 21st Street, Oakland, California 94606

Full name of fourth coinventor: **ROBERT A. CREELMAN**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: Castro Valley, California

Post Office Address: 2801 Jennifer Drive, Castro Valley, California 94546

Full name of fifth coinventor: **LUC J. ADAM**

Inventor's signature: _____

Date: _____

Citizenship: Canada

Residence: Hayward, California

Post Office Address: 25800 Industrial Blvd., Apt. L403, Hayward, California 94545

Full name of sixth coinventor: **T. LYNNE REUBER**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: San Mateo, California

Post Office Address: 1115 S. Grant Street, San Mateo, California 94402

Full name of seventh coinventor: **JOSE LUIS RIECHMANN**

Inventor's signature: _____

Date: 12/4/03

Citizenship: Spain

Residence: Pasadena, California

Post Office Address: 518 S. El Molino Avenue #308, Pasadena, California 91101

Full name of eighth joint coinventor: **VOLKER HAAKE**

Inventor's signature: _____

Date: _____

Citizenship: Germany

Residence: Berlin, Germany

Post Office Address: Bruchsaler Str. 5, 10715 Berlin, Germany

Full name of ninth joint coinventor: **ARNOLD N. DuBELL III**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: San Leandro, California

Post Office Address: 14857 Wake Avenue, San Leandro, California 94578

Full name of tenth joint coinventor: **JAMES S. KEDDIE**

Inventor's signature: _____

Date: _____

Citizenship: United Kingdom

Residence: San Mateo, California

Post Office Address: 20 – 14th Avenue, San Mateo, California 94402

Full name of eleventh joint coinventor: **BRADLEY K. SHERMAN**

Inventor's signature: _____

Date: _____

Citizenship: United States of America

Residence: Berkeley, California

Post Office Address: 1039 Overlook Road, Berkeley, California 94708